

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:20-CV-585-D

OSVALDO FIGUEROA,)
Plaintiff,)
v.) ORDER
BUTTERBALL, LLC,)
Defendant.)

On July 27, 2022, the court granted in part and denied in part Butterball, LLC’s (“Butterball” or “defendant”) motion to dismiss Osvaldo Figueroa’s (“Figueroa” or “plaintiff”) second amended complaint [D.E. 32]. On August 10, 2022, Figueroa moved for reconsideration [D.E. 35] and filed a memorandum in support [D.E. 36]. On August 31, 2022, Butterball responded in opposition [D.E. 39]. On September 14, 2022, Figueroa replied [D.E. 40].

The court has considered Figueroa’s motion for reconsideration under the governing standard. See Fed. R. Civ. P. 59(e); TFWS, Inc. v. Franchot, 572 F.3d 186, 194 (4th Cir. 2009); Zinkand v. Brown, 478 F.3d 634, 637 (4th Cir. 2007); Bogart v. Chapell, 396 F.3d 548, 555 (4th Cir. 2005); Pac. Ins. Co. v. Am. Nat’l Fire Ins. Co., 148 F.3d 396, 403 (4th Cir. 1998); Hughes v. Bedsole, 48 F.3d 1376, 1382 (4th Cir. 1995). There was no change in law or new evidence, and Figueroa has not presented any arguments warranting reconsideration.

Figueroa’s motion also fails to meet Rule 60(b)’s threshold requirements and is denied as baseless. See Fed. R. Civ. P. 60(b); Aikens v. Ingram, 652 F.3d 496, 500–01 & n.3 (4th Cir. 2011)

(en banc); Robinson v. Wix Filtration Corp. LLC, 599 F.3d 403, 412 n.12 (4th Cir. 2010); Nat'l Credit Union Admin. Bd. v. Gray, 1 F.3d 262, 264 (4th Cir. 1993).

The motion for reconsideration [D.E. 35] lacks merit and is DENIED.

SO ORDERED. This 29 day of September, 2022.


JAMES C. DEVER III
United States District Judge